



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: January 4, 2013
Applicant: South Bay Community Services
Case No.: PCC-12-074
Address: 31 Fourth Ave
Project Planner: Caroline Young

Notice is hereby given that on January 4, 2013, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-12-074, filed by South Bay Community Services ("Applicant"), 31 Fourth Ave ("Project Site") and is owned by South Bay Community Services Inc. ("Property Owner"). The Applicant requests a modification to an existing CUP (previously approved PCC-93-39) to allow an increase in the total occupancy for short-term transitional housing. The Project Site is zoned Apartment Residential (R3) Zone and has a General Plan designation of Residential Medium High (RMH). The Project is more specifically described as follows:

The Applicant requests a modification to previously approved PCC-93-39 to permit the existing total occupancy of 82 persons for short-term transitional housing. The site has a total of fourteen (14) existing apartment units to aid homeless families in the program. Pursuant to the Apartment Residential (R3) Zone Regulations, transitional shelters are permitted uses upon approval of a Conditional Use Permit.

Planning staff has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a categorical exemption pursuant to Section 15332 of the State CEQA Guidelines. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19 14.030 A of the Chula Vista Municipal Code has been able to make the conditional use permit findings as required by CVMC Section 19 14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The proposed request to increase the total occupancy for the short-term transitional housing will continue to provide necessary and desirable service to the existing residents and families in the South Bay area. The existing apartment complex is located in a desirable location to provide the necessary services to the residence and is within close proximity to transit, parks, and shopping. The additional increase in

residents per unit will not affect the surrounding apartment complexes in terms of increased traffic or lack of parking, since the majority of the residents do not own vehicles

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents nor to property or improvements in the area. The characteristics of the proposed use and its operation do not have features that could have detrimental effects. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista. The total occupancy within each unit meets the life safety and fire protection regulations per the California Building and Fire Code.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code, and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-12-074

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan designates the site as Residential Medium High (RMH). This finding is met because the Chula Vista Municipal Code designates the site for residential. Thus, the proposed project is consistent with the General Plan land use Residential Medium High (RMH) designation and will not adversely affect implementation of the General Plan

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-12-074 subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

Planning Division

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

II. The following conditions shall apply to the Project as long as it relies upon this approval.

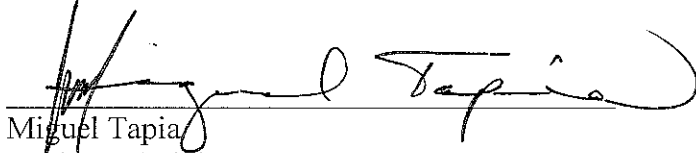
1. The Applicant shall operate and maintain the Project in accordance with (a) the approved application on file in the Planning Division, and (b) the conditions contained herein
2. Applicant shall operate and maintain the Project with security lighting providing a minimum of one candlefoot of light in all areas around the buildings, walkways and parking areas, and provide for unit designation on each door to the satisfaction of the Police Department. Landscaping should be trimmed and maintained so as to enhance on-site safety and visibility. Applicant shall meet and confer with Police Department from time to time to discuss and implement, as appropriate, reasonable additional and/or modified site safety measures.
3. Approval of this Project shall not waive, and the Applicant shall continue to be obligated to comply with, (a) all sections of Title 19 of the CVMC, (b) all other applicable City Ordinances in effect at the time of building permit issuance, or the approval of this Conditional Use Permit, and (c) any and all other applicable federal, state and local laws and regulations.
4. Any new use or modification/expansion of uses, including, without limitation, any increase in occupancy, that are not otherwise “permitted uses” under applicable

City Ordinances, shall be subject to the review and approval of the Zoning Administrator.

- 5 Applicant acknowledges that in the event of any challenges to City's approval and issuance of this Conditional Use Permit, to the extent Applicant or Applicant's successor or assign desires to operate the project in reliance thereon, Applicant (or Applicant's successors and assigns) shall be responsible for defending such approval or issuance.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

Upon execution by the Zoning Administrator and the Applicant, this CUP modification (PCC-12-074) shall amend and restate previously approved CUP PCC-93-39 in its entirety.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 4th day of January 2013.



Miguel Tapia
Zoning Administrator